

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

NICHOLAS O. LACY, #607743,

v.

**RICK THALER, Director
Texas Department of Criminal Justice,
Correctional Institutions Div.,**

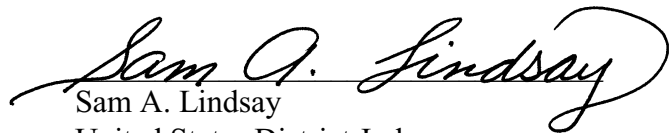
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Civil Action No. **3:13-CV-972-L**

ORDER

Before the court is Nicholas O. Lacy's ("Lacy" or "Petitioner") Petition for a Writ of Habeas Corpus by a Person in State Custody, received by the court on March 5, 2013. The case was referred to Magistrate Judge Renee Harris Toliver, who entered Findings, Conclusions and Recommendation of the United States Magistrate Judge ("Report") on April 2, 2013, recommending that Petitioner's successive habeas petition, brought pursuant to 28 U.S.C. § 2254, be transferred to the United States Court of Appeals for the Fifth Circuit because the court lacks jurisdiction to consider it absent authorization by the court of appeals. Lacy filed objections to the Report. The objections, however, do not cure the deficiency noted in the Report. After reviewing the pleadings, file, and record in this case, the court determines that the findings and conclusions of the magistrate judge are correct and **accepts** them as those of the court. The court therefore **overrules** Petitioner's objections and **directs** the clerk of the court to forward Lacy's habeas petition to the United States Court of Appeals for the Fifth Circuit for consideration.

It is so ordered this 8th day of July, 2013.


Sam A. Lindsay
United States District Judge